

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 309 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MUSAMIYA IMAM HAIDARBUZ RAZVI TRUS: OF HAZRATPIR ROZA TRUST

Versus

RADHESHYAM T AGRAWAL

Appearance:

MR MI PATEL for Appellant

MR JAYANT PATEL for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 27/08/97

ORAL JUDGEMENT

This appeal is directed against the order dated August 30, 1986, passed by the learned Civil Judge (S.D.) (Rural) at , below interim injunction application ex. 5 in Special Civil Suit No. 78 of 1985, rejecting the interim injunction application ex. 5.

2. The appellant-plaintiff had filed the above application to restrain the respondents-defendants from

transferring 700 sq.yds.of land which the respondents-defendants were alleged to have trespassed upon and also to restrain them from taking from the plaintiffs forcible possession of the remaining land of Survey No. 589 situated at Isanpur in Ahmedabad.

3. When the above interim injunction application came up before the trial court, initially the trial court granted ad-interim injunction directing the respondents-defendants to maintain status-quo. However, after hearing the parties, the interim injunction application came to be dismissed by the order under appeal and the order of status-quo was also vacated.

4. Being aggrieved by the said order, the plaintiff filed the present appeal. Mr. M.I. Patel, learned counsel for the appellant states that while admitting the present appeal, this Court granted ad-interim and thereafter interim injunction in favour of the appellant-plaintiff as per the orders passed in Civil Application No. 2266 of 1986.

5. In view of the facts and circumstances of the case, and in view of the fact that the said ad-interim/interim injunction has remained in operation since 1985 and since the suit is still pending, it would be just and proper to direct the trial court to hear and decide the suit as expeditiously as possible and also to continue the interim injunction which was earlier granted by this Court in Civil Application No. 2266 of 1986 till the disposal of the suit.

6. In the result, the Appeal From Order is allowed. The interim injunction granted by this Court in Civil Application No. 2266 of 1986 on April 2, 1986 and confirmed in October, 1986, shall continue till the disposal of the suit. Since the suit is pending since 1985, the trial court shall hear and decide the same as expeditiously as possible and in any case by March 31, 1998.

7. In terms of the aforesaid observations and directions, the Appeal From Order is disposed of with no order as to costs.

Amp/-